

SERVICE DATE – SEPTEMBER 22, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 12 (Sub-No. 187X)

SOUTHERN PACIFIC TRANSPORTATION COMPANY
—ABANDONMENT EXEMPTION—
SEABROOK-SAN LEON LINE IN GALVESTON & HARRIS COUNTIES, TEX.

Decided: September 21, 2017

By decision served August 12, 1996, the Surface Transportation Board (Board) approved, with certain conditions, the common control and merger of the rail carriers controlled by Union Pacific Corporation (UP) and the rail carriers controlled by Southern Pacific Rail Corporation (SP). See Union Pac. Corp.—Control & Merger—S. Pac. Rail Corp. (UP/SP), 1 S.T.B. 233 (1996). Included in that decision as an embraced case, the Board granted an exemption in this proceeding, Docket No. AB 12 (Sub-No. 187X), for Southern Pacific Transportation Company (SPT), one of the rail carriers controlled by SP, to abandon railroad lines between milepost 30.0 near Seabrook, Tex., and milepost 40.5 near San Leon, Tex. (the Seabrook to San Leon line, or the line), subject to certain conditions. See UP/SP, 1 S.T.B. at 527, 582-83, 585.

Among the conditions imposed on that exemption were (1) a condition requiring UP/SP to retain its interest in, and take no steps to alter, the historic integrity of two bridges on the Seabrook to San Leon line (the Clear Creek Bridge at milepost 31.99 in Harris County and the Dickinson Bayou Bridge at milepost 38.77 in Galveston County) until the Section 106 process of the National Historic Preservation Act had been completed for those structures, and (2) a condition requiring UP/SP to continue Section 106 consultation with the Texas State Historic Preservation Officer (TSHPO) to determine the need and extent of a recovery and treatment program for three known archeological sites along the line. See id. at 585 (Conditions No. 53 and 54).

By letter filed on August 29, 2017, Union Pacific Railroad Company (UPRR), the successor in interest to SPT, notified the Board that as of that date, UPRR had consummated abandonment of the portion of the Seabrook to San Leon line between milepost 30.0 and milepost 38.06.¹ By letter submitted to the Board's Office of Environmental Analysis (OEA) on September 7, 2017, UPRR provided additional information regarding a historical resource assessment related to the archaeological sites along the line, which had been reviewed and concurred with by the TSHPO, and which indicated abandonment of the line would result in limited and negligible impacts on archeological resources. See Office of Environmental

¹ UPRR indicated that it was not, at this time, consummating abandonment of the portion of the line between mileposts 38.06 and 40.5.

Analysis, Surface Transportation Board, Supplemental Final Environmental Assessment in Docket No. AB 12 (Sub-No. 187X) at 2 (Sept. 14, 2017). Historic documentation with regard to the bridges subject to the Section 106 condition was also prepared and accepted by the TSHPO. Id. at 1.

In the Supplemental Final Environmental Assessment dated September 14, 2017, OEA confirms that the Section 106 mitigation required under Conditions No. 53 and 54 has been completed and that the Board has satisfied its responsibilities under Section 106 regarding this abandonment. OEA therefore recommends removing Conditions No. 53 and 54. Based on OEA's recommendation, Conditions No. 53 and 54 will be removed, and UPRR's consummation notice will be effective on the service date of this decision.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The Section 106 conditions discussed above are removed.
2. This decision and UPRR's notice are effective on the service date of this decision.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.